



TOM RYAN
PARTNER
DIRECT: 816.460.5822

MAIN: 816.292.2000
FAX: 816.292.2001
TRYAN@LATHROPGAGE.COM
LATHROPGAGE.COM

2345 GRAND BOULEVARD, SUITE 2200
KANSAS CITY, MO 64108

November 8, 2018

Ms. Elizabeth Hagenmaier
Regional Project Manager
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Re: Cherokee County Superfund Site, Operable Unit #8 (Site)
Special Notice for Negotiation of Remedial Design and Request for Information
(Special Notice Letter)

Dear Ms. Hagenmaier:

I represent BNSF Railway Company (BNSF) and am responding on BNSF's behalf to the Special Notice Letter and related materials from Mary Peterson, Director, Superfund Division, dated October 22, 2018. In light of BNSF's prior cooperation with EPA to provide access to BNSF property for the purposes of EPA's investigation, it is disconcerting that EPA's first formal contact regarding remediation at the Site was accompanied by a Special Notice Letter and extremely broad and detailed 104(e) requests. BNSF will respond in due course to those requests.

In response to the portion of the Special Notice seeking a response within 15 days, this letter confirms that BNSF is willing to participate in future negotiations concerning Operable Unit #8.

We look forward to working with you.

Sincerely yours,

Lathrop Gage LLP

By:


Thomas A. Ryan



cc: Ms. Jane Kloeckner
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Ms. Brooke Gaede, BNSF, Attorney – *via email*